



PAYING THE RENT

KNOW YOUR RIGHTS

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This article doesn't tell you how to come up with your rent money (we wish we knew an easy answer for that!). However, it does suggest some very practical ways for you to make sure that the right person receives your money and that your rent payments are accounted for properly. You should always ask your landlord, landlady, or property manager for a receipt when you pay the rent. If they don't give you one, make up your own or purchase a receipt book at any local office supply store. Ask the landlord to sign it. It could look something like this:

Received from: (your name, address & apartment number) on (Date and Year)

In the amount of: (Right out amount ex. Six hundred and fifty dollars) \$(650.00 or numerical amount)

For the rent for the month of : (Month), (Year)

Signatures: (Landlord/landlady Signature)

(Tenant's Signature)

****Save ALL of your receipts. Receipts are the best proof you have that you paid your rent properly, especially if you do pay in cash. ****

- **Be careful paying in cash.** It is much better to pay by check or money order when possible. A cancelled rent check is your receipt and an official proof of payment. You should buy a money order at a bank, not a post office or check cashing place. The teller will give you an exact copy of the amount you paid for the money order and the date you purchased it. If your landlord/landlady loses your payment, you can put a stop payment order on both bank money orders and checks. You also have official records of your payments since banks keep records of money orders and checks. Post offices or check cashing places do not. If you buy a money order, fill it out completely before you leave the bank. Ask the teller to help you if you have any questions.

If you get a check from the Department of Social Services for your rent made out to you and your landlord/landlady, you need to sign the back as well. If you want to use a check made out to only you, sign the back this way:

*Pay to the order of (your landlord/landlady's name). For rent
for (Month), (Year)
(Your Signature)*

- It's important to sign this way so that your check can't be cashed by anyone but your landlord/landlady.

By following these suggestions you can help make sure that you have proof that you paid your rent and that it was given to the correct person.

Don't forget your rent receipt. There is a law in New York State protecting tenants against dishonest landlords. The law says that when a tenant pays cash for rent, the landlord must give the tenant a written receipt. **Always ask for a receipt and tell your landlord that the law requires it. (NY RPL 235-E)**

****SEE BACK****

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Did you know?

-There is nothing defined by law that gives a grace period for when rent payments are due. Many people believe that landlords cannot pursue the rent until the 5th of the month, for example, but there is no existing law that says this. As a result, those with lease agreements should refer to their lease when looking for information about when the rent is due. If there is no lease agreement, the rent is due by default on the 1st and as early as the 2nd of a given month a landlord could technically give a rent demand and, at the expiration of that demand, begin a court process for nonpayment of rent (see Eviction - Court Process handout for more information about this).

-There is also nothing written into law that defines the dollar amount of late fees that are allowed, or defining at what point late rent is subject to a late fee. This again is something that will be outlined in a lease agreement, or often will be left to the landlord's discretion. Some courts limit late fees to \$25 per month or to an amount that is "reasonable" based on the rent charge, but this will vary greatly. Communication is key - remember to let your landlord know if you are going to be late on the rent & to communicate with the landlord about when payments will be made/what your situation is. This, and paying the rent on time, are the best ways to avoid late fees.

-Returned check fees are allowable by law but must not be more than \$20 and must be specified in a signed lease agreement (NY GOL 5-328).

-Any lease provision requiring tenants to "pledge" or guarantee their household furniture or belongings as collateral/security for any unpaid rents is prohibited and void in New York State.

-If there is a change in ownership of your apartment, your landlord must provide the tenants with the name and address of the new owner by registered or certified mail within 5 days of the property transfer. At that point you would begin paying your rent to the new owner of the property.

-While electronic rent payments are becoming increasingly common and are often more convenient for tenants and landlords alike, landlords shall not require a tenant to use an electronic billing system as **the only method for paying rent** (NY RPL 235-G)

